

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GREGORY DAVIS,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:06CV155
(Judge Keeley)

UK CHANDLER MEDICAL CENTER
COMMONWEALTH OF KENTUCKY
PROSECUTOR OFFICE, UNKNOWN
EMPLOYEES OF BOTH AGENCIES,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING THE CASE

On October 16, 2006, the pro se plaintiff, Gregory Davis ("Davis"), filed a civil rights complaint and a Motion for Leave to Proceed in forma pauperis. On October 16, 2006, the Clerk of Court sent the plaintiff a "Notice of Deficient Pleading" and directed the plaintiff that he must either pay the \$350.00 filing fee or submit the Court's form Application to Proceed Without Prepayment of Fees, Consent to Collection of Fees and Prisoner Trust Account Report. The Notice specifically advised the plaintiff that failure to comply within thirty days could result in the dismissal of his case without prejudice.

On May 3, 2007, Magistrate Judge Seibert filed a Report and Recommendation That Case Be Dismissed Without Prejudice for failure to pay the required fee and failure to submit the appropriate forms. The report and recommendation specifically warned that failure to object to the report and recommendation would result in

ORDER ADOPTING REPORT AND RECOMMENDATION

the waiver of any appellate rights on this issue. Nevertheless, Davis failed to file any objections.¹

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety and **DENIES** the Motion to Proceed in forma pauperis (docket no. 2), **DENIES** the plaintiff's motion to withdraw civil complaint (docket no. 6) as **MOOT** and **ORDERS** the case **DISMISSED WITHOUT PREJUDICE** and stricken from the Court's docket.

The Clerk is directed to mail a copy of this Order to the pro se plaintiff, certified mail return receipt requested.

Dated: June 8, 2007.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

¹ Davis' failure to object to the Report and Recommendation not only waives his appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).